



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

September 30, 2022

VIA ECF

Honorable Lewis J. Liman
United States District Judge
Southern District of New York
500 Pearl Street, Room 1620
New York, NY 10007

Re: *Vickers v. Department of Veteran's Affairs*, 22 Civ. 1781 (LJL)

Dear Judge Liman:

This Office represents the Department of Veterans Affairs (the "VA" or the "Government") in this employment discrimination action brought by Plaintiff Asiya Vickers. Plaintiff filed this action on March 03, 2022, *see* Dkt. No. 1, and filed an affidavit of service on the VA on June 24, 2022, *see* Dkt. No. 3.

I write respectfully to request an adjournment of the initial pretrial conference currently scheduled for October 11, 2022. *See* Dkt. No. 4. The reason for this request is that the Government has not been properly served in this matter. To date, Plaintiff has served the VA, at 810 Vermont Ave NW in Washington, D.C. *See* Dkt. No. 3. Federal Rule of Civil Procedure 4(i)(1)-(2) requires that Plaintiff also send by registered or certified mail a copy of the summons and complaint to this Office and to the Attorney General.

On September 21, 2022, I called Plaintiff at her phone number listed on the docket. I explained that the Government had not been properly served and that this Office and the Attorney General had not received service. I provided my email address to Plaintiff and offered to accept service of the Complaint via email. I followed up and left a voicemail with Plaintiff on September 27, 2022. Later on September 27, 2022, I received an email from an individual named Karl Trafton, stating that at the direction of Plaintiff, he was sending me a copy of Plaintiff's motion for entry of default judgment.

To avoid further confusion, I have entered an appearance on behalf of the Government. The Government is willing to accept service of the Complaint by ECF as of today, September 30, 2022. The Government respectfully requests that any motion for default judgment be denied; it also seeks an adjournment of the initial pretrial conference, as well as the deadline to submit a proposed Case Management Plan and Scheduling Order, until after its response to the Complaint is due, pursuant to Federal Rule of Civil Procedure 12(a)(2), on November 29, 2022.


This is the Government's first request for an adjournment of the initial pretrial conference. Plaintiff has not consented to this request; I have left a voicemail with Plaintiff and emailed Mr. Trafton regarding this request and have not received a response.

I thank the Court for its consideration of this letter.

REQUEST GRANTED.

The Initial Pretrial Conference previously set for October 11, 2022 is rescheduled to December 9, 2022 at 2:00PM. Parties are reminded to dial into the Court's teleconference line at 888-251-2909 and use access code 2123101. Parties are directed to jointly submit, by one week prior to the conference, a proposed Case Management Plan and Scheduling Order consistent with the Court's individual practices.

10/3/2022 SO ORDERED.


LEWIS J. LIMAN
United States District Judge

cc: Asiya Vickers, *Pro Se* (by mail)

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

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